



SF 423 – Gun Crime, Bail Restriction (LSB1494SV)

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Fiscal Note Version – New

Description

[Senate File 423](#) requires that a person arrested when court is not in session, and charged with a criminal offense that includes the use of a firearm as an element of the offense, must not be released from custody on pretrial release or be eligible to post a bond and be released until making an initial appearance before a magistrate.

Background

Current law provides that most persons arrested when court is not in session may be released from custody pending an initial appearance before a magistrate pursuant to pretrial release guidelines, or post a bond and be released pursuant to a bond schedule. This Bill would require a person arrested for a criminal offense involving a firearm to remain in custody until the person makes an initial appearance before a magistrate.

Offenses qualifying under SF 423 may include but are not limited to murder, robbery, aggravated assault, and all firearm offenses under Iowa Code chapter [724](#).

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$15 per day.
- The FBI estimates 67.7% of murders, 41.3% of robberies, and 21.2% of aggravated assault convictions in the nation involved the use of a firearm, and it is assumed these rates are the same in Iowa.
- The Bill will not have an impact on all of the people charged with crimes involving the use of a firearm. Increased jail time will depend on whether the arrest occurred while court was in session and availability of the magistrate.

Impacts

Minority Impact

Due to a lack of data on the number of offenders who will be impacted by this Bill, a minority impact cannot be determined. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Minority Impact Memo](#), dated January 30, 2017, for information related to minorities in the criminal justice system.

Correctional Impact

This Bill expands the group of arrestees that must make an initial appearance before release, if the arrest occurs when court is not in session. As a result, some people charged with a qualifying offense under this Bill will have an increased length of stay in jail. The correctional

impact is indeterminable because it is unknown how many offenders will be arrested when the court is not in session.

In FY 2016, an estimated 32 murders, 41 robberies, and 1,577 assault convictions in Iowa involved the use of a firearm. Since the number of convictions is lower than the number of people charged with those offenses, this is the minimum estimate for murder, robbery, and assault charges that involve a firearm. It is unknown how many of those charges would be affected by the initial appearance requirement in this Bill.

Refer to the LSA memo addressed to the General Assembly, [Correctional Impact Memo](#), dated January 30, 2017, for information related to the correctional system.

Fiscal Impact

The fiscal impact of this Bill will occur at the local level and cannot be estimated at this point in time. The extra cost would be associated with increased length of stay in the county jail. The marginal cost for county jails is estimated to be \$15 per day.

State Mandate

This Bill may include a State mandate as defined in Iowa Code section [25B.3](#). The Bill makes inapplicable Iowa Code section [25B.2\(3\)](#), which would relieve a political subdivision from complying with a State mandate if funding for the cost of the State mandate is not provided or specified.

Sources

Department of Human Rights, Division of Criminal and Juvenile Justice Planning

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
